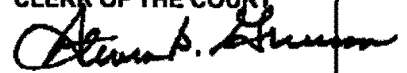


Exhibit “A”

Plaintiff's Complaint

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CASE NO: A-20-815189-C
Department 4

COMP

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Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

REBECCA LOPEZ, an individual

Plaintiff,

vs.

WALMART, INC., a foreign corporation d/b/a
WALMART #4356; DOES I through 10,
inclusive; ROE CORPORATIONS II through
20, inclusive; and ABC LIMITED LIABILITY
COMPANIES 21 through 30, inclusive,

Defendants.

CASE NO:
DEPT NO:

COMPLAINT

COMES NOW, Plaintiff, REBECCA LOPEZ, individually, by and through her counsel,
Brian D. Nettles, Esq., Christian M. Morris, Esq., and Victoria R. Allen, Esq., of Nettles| Morris,
and for her causes of action against Defendant above captioned, complains and alleges as
follows:

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GENERAL ALLEGATIONS

1. The Eighth Judicial District Court has jurisdiction over this civil tort action pursuant to NRCP 8(a)(4), NRS 13.040, and NRS 41.130 as the occurrence giving rise to this case took place in Clark County, Nevada and the amount in controversy exceeds \$15,000.00.

GENERAL ALLEGATIONS

2. Plaintiff REBECCA LOPEZ ("Plaintiff") is, and at all relevant times was, an individual residing in Clark County, Nevada.

3. On information and belief, Defendant WALMART, INC d/b/a WALMART #4356 (hereinafter "Defendant") is, and at all relevant times was, a foreign corporation licensed and doing business in Clark County, Nevada.

4. On information and belief, the true names and capacities, whether individual, corporate, associate, governmental or otherwise, of defendants Does 1 through 10, Roe Corporations 11 through 20, and ABC Limited Liability Companies 21 through 30 ("Docs/Roe/ABC Defendants"), inclusive, are unknown to Plaintiff at this time, whom therefore sues said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will amend this Complaint accordingly.

5. On information and belief, Doe/Roes/ABC Defendants participated in the design, construction, maintenance, ownership, management, control, operation, care, and/or upkeep of the Premises; Doe/Roes/ABC Defendants include, but are not limited to, owners, operators, occupiers, lessees, managers, manufacturers, developers, producers, general contractors, subcontractors, security companies, maintenance companies, material providers, equipment providers, architects, designers, engineers, governmental authorities, insurers, lenders, investors, and their agents, servants, representatives, employees, partners, joint venturers, related companies, subsidiaries, parents, affiliates, predecessors, partners and/or successors in interest.

6. On information and belief, Docs/Roe/ABC Defendants are responsible, negligently or in some other actionable manner, for the events and happenings hereinafter referred to, and caused injuries and damages proximately thereby to Plaintiff as hereinafter alleged.

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1 7. On information and belief, Doe/Rocs/ABC Defendants were involved in the
2 initiation, approval, support, or execution of the wrongful actus upon which this litigation is
3 premised, or of similar actions against Plaintiff of which Plaintiff is presently unaware.

4 8. On information and belief, Defendant owned, operated, controlled, maintained,
5 and/or serviced without limitation, and/or assumed liability of a certain retail business located at
6 7200 Arroyo Crossing Pkwy, Las Vegas, Nevada, 89113, commonly known as Walmart #4356
7 (hereinafter "the Premises"), for the purpose of carrying on a business for profit.

8 9. On or about May 26, 2018, Plaintiff was a patron lawfully present at the
9 Premises.

10 10. On that date, a substance, believed to be a smashed banana (hereinafter,
11 "Condition"), was allowed to remain on the floor in an area of the Premises open to the public.

12 11. At the time, the Condition was a dangerous condition that was unattended,
13 without warning, and had not been remedied.

14 12. As Plaintiff was walking through the Premises and exercising reasonable care for
15 her own well-being, she unexpectedly slipped on the Condition, causing her to fall to the floor
16 (hereinafter the "Incident").

17 13. On information and belief, Defendant owned, maintained, managed, operated,
18 inspected, controlled, installed, constructed and/or was otherwise responsible for the Premises
19 and/or the area where the Condition was located, and/or for the Condition.

20 14. On information and belief, Defendant had actual knowledge of the Condition by
21 virtue of creating it or having actual knowledge of its existence prior to the Incident, and/or
22 Defendant had constructive notice of the Condition by failing to maintain, inspect, remedy,
23 clean, etc. the Premises in a reasonable manner prior to the Incident to prevent similar incidents
24 from occurring.

25 15. On information and belief, these negligent acts were committed by Defendant's
26 employees and/or agents acting in the course and scope of their employment for Defendant
27 under its direction and control, and thus Defendant is vicariously liable for these acts pursuant
28 to the doctrine of *respondeat superior*.

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1 25. As a direct and proximate result of the negligence of the Defendant, Plaintiff
 2 suffered physical injury and pain and suffering.

3 26. As a direct and proximate result of the negligence of the Defendant, Plaintiff was
 4 required to obtain medical services and treatment and may, in the future, be required to obtain
 5 additional medical services and treatment.

6 27. As a direct and proximate result of Defendant's negligence, Plaintiff has been
 7 damaged in an amount in excess of \$15,000.00, including, but not limited to, bodily injury, and
 8 severe pain and suffering.

9 28. As a direct and proximate result of the negligence of the Defendant, Plaintiff has
 10 had to retain the services of Nettles Morris to pursue this action and is entitled to recover costs
 11 of suit and reasonable attorney's fees incurred therein.

12 **SECOND CAUSE OF ACTION**

13 **(Negligent Hiring, Training, Retention, and Supervision)**

14 29. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs
 15 1 through 28 as though fully set forth herein.

16 30. Defendant owed Plaintiff a non-delegable duty to exercise due care in the
 17 selection, training, oversight, direction, and control of its employees/agents/contractors,
 18 including those responsible for monitoring, cleaning, inspecting, and otherwise maintaining the
 19 safety of the Premises.

20 31. Defendant breached its non-delegable duties owed to Plaintiff by failing to hire,
 21 retain, train, staff, and supervise the employees/agents/contractors responsible for performing
 22 the aforementioned duties.

23 32. Defendant's failure to properly hire, train, supervise, and retain such person(s)
 24 constituted reckless disregard for the safety of Plaintiff and others on the Premises.

25 33. Defendant knew or should have known that the failure to properly hire, retain,
 26 train, staff, and supervise its employees demonstrated disregard for Plaintiff's rights, yet
 27 disregarded this knowledge. On information and belief, such acts or omissions were directed,
 28 approved, and/or ratified by an authorized officer, director, and/or managing agent of Defendant

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1 34. These negligent acts were committed by Defendant's employees and/or agents
2 acting in the course and scope of their employment for Defendant under its direction and
3 control, and thus the Defendant is vicariously liable for these acts pursuant to the doctrine of
4 *respondeat superior*.

5 35. As a direct and proximate result of the negligence of the Defendant, Plaintiff
6 suffered physical injury and pain and suffering.

7 36. As a direct and proximate result of the acts or omissions of the Defendant,
8 Plaintiff was required to obtain medical services and treatment and may, in the future, be
9 required to obtain additional medical services and treatment.

10 37. Plaintiff has been damaged by the negligence of the Defendant in an amount in
11 excess of \$15,000.00, including, but not limited to, serious bodily injury, and severe pain and
12 suffering.

13 38. As a direct and proximate result of the actions or omissions of the Defendant,
14 Plaintiff has had to retain the services of Nettles Morris to pursue this action and is entitled to
15 recover costs of suit and reasonable attorney's fees incurred herein.

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1 **WHEREFORE**, Plaintiff prays for judgment against Defendant(s), as follows:

- 2 1. For damages in excess of \$15,000.00 for medical expenses and pain and
3 suffering;
4 2. For punitive damages;
5 3. For interest as permitted by law;
6 4. For reasonable attorney's fees and costs of suit; and
7 5. For such other and further relief as the court deems just and proper.

8 Dated this 19th day of May 2020.

9 NETTLES | MORRIS

10
11 /s/ Victoria R. Allen
12 BRIAN D. NETTLES, ESQ.
13 Nevada Bar No. 7462
14 CHRISTIAN M. MORRIS, ESQ. —
15 Nevada Bar No. 11218
16 VICTORIA R. ALLEN, ESQ.
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